

1 **SHANNON G. SPLAINE, ESQ.**  
 Nevada Bar No. 8241  
 2 **PAUL D. BALLOU, ESQ.**  
 Nevada Bar No. 6894  
 3 **LINCOLN, GUSTAFSON & CERCOS, LLP**  
*ATTORNEYS AT LAW*  
 4 3960 Howard Hughes Parkway, Suite 200  
 Las Vegas, Nevada 89169  
 5 Telephone: (702) 257-1997  
 Facsimile: (702) 257-2203  
 6 [ssplaine@lgclawoffice.com](mailto:ssplaine@lgclawoffice.com)  
[pballou@lgclawoffice.com](mailto:pballou@lgclawoffice.com)

7 Attorneys for Third-Party Defendant,  
 8 OPM, INC. dba CONSOLIDATED ROOFING

9  
 10 **UNITED STATES DISTRICT COURT**  
 11 **DISTRICT OF NEVADA**

12 AZURE MANOR/RANCHO DE PAZ  
 13 HOMEOWNERS ASSOCIATION, a Nevada  
 residential, common-interest planned community,

14 Plaintiff,

15 v.

16 D.R. HORTON, INC., a Delaware corporation,  
 17 and DOES 1-100, inclusive,

18 Defendant.

19 \_\_\_\_\_  
 20 D.R. HORTON, INC.,

21 Third-Party Plaintiff,

22 v.

23 ALLARD ENTERPRISES d/b/a IRON  
 SPECIALISTS; AMERICAN ASPHALT &  
 24 GRADING COMPANY; ATRIUM DOOR AND  
 WINDOW COMPANY; BEBOUT CONCRETE,  
 INC.; BEL-AIR PLASTERING, INC.;  
 25 CENTRAL VALLEY INSULATION;  
 CREATIVE TOUCH INTERIORS, INC.;  
 26 DISTINCTIVE MARBLE, INC.; EFFICIENT  
 ENTERPRISES, INC. d/b/a EFFICIENT  
 27 ELECTRIC, INC.; GILMORE  
 CONSTRUCTION, LLC; HARRISON  
 28 LANDSCAPE COMPANY, LLC; MAJESTIC

CASE NO: 2:14-CV-02222-JCM-NJK

**STIPULATION AND ORDER DEEMING  
 THE SETTLEMENT AGREEMENT AND  
 RELEASE FULLY EXECUTED AS TO  
 THIRD-PARTY DEFENDANT, OPM, INC.  
 dba CONSOLIDATED ROOFING, AND  
 FOR DISMISSAL OF THIRD-PARTY  
 DEFENDANT, OPM, INC. dba  
 CONSOLIDATED ROOFING, WITH  
 PREJUDICE**

1 PLUMBING, INC.; NEVADA  
2 LANDSCAPING, INC.; NEW CREATION  
3 MASONRY, INC.; OPM, INC. d/b/a  
4 CONSOLIDATED ROOFING; QUALITY  
5 WOOD PRODUCTS, LTD.; SILVER STATE  
6 FIREPLACES, INC.; SOUTHERN NEVADA  
7 PAVING, INC.; SUMMIT DRYWALL &  
8 PAINT, LLC; SUNRISE MECHANICAL, INC.;  
9 SUNSTATE COMPANIES, INC. d/b/a  
10 SUNSTATE LANDSCAPE; WESTERN  
11 SHOWER DOOR; ZEPEDA BROS. PAINT &  
12 DRYWALL, INC.; and DOES 1 through 150,

13 Third-Party Defendants.

14 IT IS HEREBY STIPULATED AND AGREED to as a Joint Motion pursuant to Local Rule  
15 7-1(c) between Defendant/Third-Party Plaintiff, D.R. HORTON, INC., by and through their counsel  
16 of record, the law firm of Wood, Smith, Henning & Berman LLP, and Third-Party Defendant, OPM,  
17 INC. dba CONSOLIDATED ROOFING, by and through its counsel of record, the law firm of  
18 LINCOLN, GUSTAFSON & CERCOS, LLP, as follows:

19 1. The Settlement Agreement and Release between Defendant/Third-Party Plaintiff, D.R.  
20 HORTON, INC., and Third-Party Defendant, OPM, INC. dba CONSOLIDATED ROOFING, is  
21 deemed fully executed as to OPM, INC. dba CONSOLIDATED ROOFING as OPM, INC. dba  
22 CONSOLIDATED ROOFING has ceased operations and has no one to execute the Release; and

23 2. The Third-Party Complaint, including and any amendments, cross-claims, or counter-  
24 claims, between the above-referenced parties are hereby dismissed, with prejudice, with each party to  
25 bear its own fees and costs.

26 DATED this 23<sup>rd</sup> day of June, 2020.

DATED this 23<sup>rd</sup> day of June, 2020.

27 **LINCOLN, GUSTAFSON & CERCOS, LLP**

**WOOD, SMITH, HENNING & BERMAN  
LLP**

28 /s/ Paul D. Ballou

/s/ Elisa L. Wyatt

**SHANNON G. SPLAINE, ESQ.**

**JOEL D. ODOU, ESQ.**

Nevada Bar No. 8241

Nevada Bar No. 7468

**PAUL D. BALLOU, ESQ.**

**ELISA L. WYATT, ESQ.**

Nevada Bar No. 6894

Nevada Bar No. 13034

3960 Howard Hughes Parkway, Suite 200

2881 Business Park Court, Suite 200

Las Vegas, Nevada 89169

Las Vegas, Nevada 89128

Attorneys for Third-Party Defendant,

Attorneys for Defendant/Third-Party Plaintiff,

OPM, INC. dba CONSOLIDATED ROOFING

D.R. HORTON, INC.

**ORDER**

Based on the Stipulation and Joint Motion pursuant to Local Rule 7-1(c) of Defendant/Third-Party Plaintiff, D.R. HORTON, INC., and Third-Party Defendant, OPM, INC. dba CONSOLIDATED ROOFING, and good cause appearing, IT IS HEREBY ORDERED, ADJUDGED, AND DECREED as follows:

1. The Settlement Agreement and Release between Defendant/Third-Party Plaintiff, D.R. HORTON, INC., and Third-Party Defendant, OPM, INC. dba CONSOLIDATED ROOFING, is deemed fully executed as to OPM, INC. dba CONSOLIDATED ROOFING as OPM, INC. dba CONSOLIDATED ROOFING has ceased operations and has no one to execute the Release; and

2. The Third-Party Complaint, including and any amendments, cross-claims, or counter-claims, between the above-referenced parties are hereby dismissed, with prejudice, with each party to bear its own fees and costs.

DATED June 24, 2020.

  
UNITED STATES DISTRICT JUDGE

Submitted by:

**LINCOLN, GUSTAFSON & CERCOS, LLP**

*/s/ Paul D. Ballou*

**SHANNON G. SPLAINE, ESQ.**

Nevada Bar No. 8241

**PAUL D. BALLOU, ESQ.**

Nevada Bar No. 6894

3960 Howard Hughes Parkway, Suite 200

Las Vegas, Nevada 89169

Attorneys for Third-Party Defendant,

OPM, INC. dba CONSOLIDATED ROOFING

v:\a-e\azure manor\_drh\_opm\atty notes\drafts\pldgs\20200618\_sodw\_rvsd\_sdi.docx